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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,786	01/23/2004	Detkef Fischer	2001P13794WOUS	7919

7590 03/13/2006

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPT.
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

WILLIAMS JR, RONALD E

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,786

Applicant(s)

FISCHER ET AL.

Examiner

Ronald E. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to application filed January 23, 2004.
2. Claims 1-14 have been examined.

Claim Objections

Claim 14 is objected to because of the following informalities:

Claim 14 recites "a method for determine a payment figure" where it should recite a method for determining a payment figure. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 7, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Keyes et al. (**United States Publication Number: 2004/0204775**) hereinafter referred to as Keyes.

Regarding Claim 1, Keyes discloses:

Process control system (*see pg 2, col 2, para 0018, lines 6-8*) comprising:

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A processor unit (*see Figure 2, element 73 and see pg 5, col 2, para 0040, lines 1-4 and line 9 to col 2, lines 1-2*) adapted to determine a payment figure from operations running in the process control system regarding the creation or removal of a process control function or regarding a user activity or regarding an execution of an automation function. (*see pg 5, col 1-col 2, para 0040*)

Regarding Claim 3, Keyes discloses:

Process control system (*see pg 2, col 2, para 0018, lines 6-8*) according to Claim 2, further comprising:

At least one field device for automation of at least one system component, wherein at least a part of the operations running in the process control system run on the field device. (*see pg 1, col 1, para 0003, lines 6-22*)

Regarding Claim 5, Keyes discloses:

A process control system (*see pg 2, col 2, para 0018, lines 6-8*) according to claim 4, wherein the further components comprise field devices for monitoring and control of components of a technical system (*see pg 2, col 2, para 0018, lines 14-23*) that are connected by radio communication and/or by a fixed link to the process control computer (*see pg 3, col 2, para 0024, lines 5-12*), wherein further operations also comprise those operations that are executed in field devices. (*see pg 1, col 1, para 0003, lines 10-22*)

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Regarding Claims 7 and 9-13, Keyes discloses:

Process control system wherein the payment figure is a service fee to be paid by the user of the process control system to an Application Service Provider. (*see pg 16, col 2, para 0014*)

Regarding Claim 14, Keyes discloses:

A method for determine a payment figure in a process control system, comprising:
Providing a processor unit (*see Figure 2 element 73 and pg 5, col 1, para 0040, lines 1-4 and line 9 to col 2, lines 1-2*) adapted to record the creation and/or removal of a process Control function and an execution of an automation function; (*see pg 5, col 1-col 2, para 0040*) Providing a device to adapted to record a user activity; (*see figure 3, element 138-Database and Figure 2, element 74-Services*) and Determining a payment figure by the processor unit using recorded data of the preceding steps. (*see pg 16, col 2, para 0114*)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of Hsiung et al (**United States Publication Number: 2003/0144746**) hereinafter referred to as Hsiung.

Keyes teaches a process control system that utilizes economic calculations however Keyes fails to teach a process control computer, a client computer, the Internet wherein at least a part of the operations running in the process control system run on the process control computer; a process control system wherein the process control computer comprises a Web server and the client computer comprises an Internet browser so that the client computer can influence the operations running in the process control computer via the Internet, wherein the operations can also include operations by which further operations are initiated in further components of the process control system; and a process control system wherein communication between the components of the process control system is based on the TCP/IP transmission protocol (TCP/IP).

However, Hsiung teaches a process control system further comprising: a process control computer; (*see figure 1, element 115-PLC, element 129-SCADA and see pg 3, col 1, para 0030, lines 3-11*) a client computer; (*see figure 1, element 112 and see*

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pg 3, col 1, para 0027, lines 1-2) and the Internet (**see Figure 1, element 109-Internet**) wherein at least part of the operations running in the process control system run on the process control computer. (**see pg 3, col 1, para 0030, lines 1-12 to col 2, lines 1-3**) A process control system wherein the process control computer comprises a Web server (**see pg 4, col 1, para 0038, lines 17-22**) and the client computer comprises an Internet browser so that the client computer can influence operations running in the process control computer via the Internet (**see pg 18, col 2, para 0277 and para 0278, lines 1-2**), wherein the operations can also include operations by which further operations are initiated in further components of the process control system. Process control system wherein communication between the components of the process control system is based on the TCP/IP transmission protocol (TCP/IP). (**see pg 4,col 1, para 0038, lines 10-15**)

It would be obvious ^{to} ~~of~~ one of ordinary skill in the art to modify the invention of Keyes by including the methodologies of Hsiung to not only allow for better communication between the process control computer and the client computer within the process control system, but also to allow better operation by giving the user and user operations more interactive power to affect the process and control of the process control system.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. Williams whose telephone number is 571 272 2590. The examiner can normally be reached on MWF 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571 272 3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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